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In re Application of
NOTTE, et al.

Application No.: 10/534,086

PCT No.: PCT/EP02/12170

Int. Filing Date: 30 October 2003

Priority Date: 07 November 2002

Attorney Docket No.: 006832.00002

For: HEAT TRANSFER FLUIDS FOR
APPLICATION OVER A BROAD RANGE
OF TEMPERATURES

DECISION ON RENEWED

PETITION UNDER

37 CFR 1.42

This decision is in response to applicant's "Submission of Declaration Document" filed 31 October 2006 in the United States Patent and Trademark Office (USPTO). The submission is being treated as a renewed request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 07 July 2006, applicant was mailed a decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 31 October 2006, applicant filed the present response accompanied by a petition for a two-month extension of time and payment of the appropriate extension of time fee. Applicant's response is considered timely filed.

DISCUSSION

As detailed in the decision mailed 07 July 2006, 37 CFR 1.42 states:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

Applicant's previously filed declaration was rejected as it did not contain the residence, citizenship and post office address information for both the deceased inventor and the heir of his estate. Applicant has presently filed a combined declaration and power of attorney providing the

relevant information for both parties. However, the filed declaration does not comply with 37 CFR 1.497(a)(3) as it does not list the other two inventors of the application: Patrick Pierre Notte and John Joseph Tria. These inventors need not execute the new declaration as they executed the original declaration filed on 05 June 2006. However, the declaration executed by Ms. Davidson, providing her residence, citizenship and post office address information, and at a minimum, the citizenship of the deceased inventor, Mr. David Lee Davidson, must also list all of the inventors and their citizenship.

For example as discussed in MPEP 603:

Example 3: An application was filed with a declaration under 37 CFR 1.63 executed by inventors A, and B, and the legal representative of deceased inventor C. It is later determined that an error was made in the citizenship of deceased inventor C. A supplemental declaration identifying A, B, and C as the inventors would be required to be signed by the legal representative of deceased inventor C alone correcting C's citizenship.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.42 is **DISMISSED**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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